

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference WO004001Bape	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2005/000123	International filing date (<i>day/month/year</i>) 10 January 2005 (10.01.2005)	Priority date (<i>day/month/year</i>) 12 January 2004 (12.01.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant MIELE & CIE. KG			

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i>.1(a).</p> <p>2. This REPORT consists of a total of 8 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																
<p>3. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>	<input checked="" type="checkbox"/> Box No. I	Basis of the report	<input type="checkbox"/> Box No. II	Priority	<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/> Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/> Box No. VI	Certain documents cited	<input checked="" type="checkbox"/> Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/> Box No. VIII	Certain observations on the international application
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<input checked="" type="checkbox"/> Box No. VIII	Certain observations on the international application															

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 03 October 2006 (03.10.2006)</p>
	<p>Authorized officer</p> <p>Ellen Moyse</p> <p>e-mail: pt05@wipo.int</p>

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PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See form PCT/ISA/210**

Applicant's or agent's file reference

W0004001Bape

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2005/000123

International filing date (day/month/year)

10.01.2005

Priority date (day/month/year)

12.01.2004

International Patent Classification (IPC) or both national classification and IPC

A47L15/50, A47L15/16, A47L15/23

Applicant

MIELE & CIE. KG

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/000123

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
- a. type of material
- ☐ a sequence listing
- ☐ table(s) related to the sequence listing
- b. format of material
- ☐ in written format
- ☐ in computer readable form
- c. time of filing/furnishing
- ☐ contained in the international application as filed.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY		International application No. PCT/EP2005/000123
Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	
1. Statement		
Novelty (N)	Claims <u>3-7</u> YES Claims <u>1, 2</u> NO	
Inventive step (IS)	Claims <u>3-7</u> YES Claims _____ NO	
Industrial applicability (IA)	Claims <u>1-7</u> YES Claims _____ NO	
2. Citations and explanations:		
<div style="margin-left: 20px;"> 1. <u>Prior art</u> Reference is made to the following documents: D1: US-A-2003/192578 D2: FR-A-1571450 </div> <div style="margin-left: 20px; margin-top: 20px;"> 2. <u>Independent claim 1</u> <div style="margin-left: 20px;"> 2.1 Owing to the use of the term "preferably" in the characterizing part of independent claim 1, all the technical features defined in the characterizing part are to be regarded as optional. The subject matter of the present independent claim 1 is not limited to these features. </div> <div style="margin-left: 20px; margin-top: 20px;"> 2.2 According to the wording of independent claim 1, document D1 discloses a crockery basket having the features of the preamble of claim 1, that is to say a crockery basket (16 - figures 2 and 3) for a dishwasher machine (10) comprising a supply pipe (54, 68 - figure. 11) for a spray arm (72) that is rotatably mounted beneath the basket (cf. figure. </div> </div>		

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/000123

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

11). A branch pipe (28) is arranged in the region of the supply pipe, for an intensive washing zone in the region of the crockery basket (16) (cf. lines 7-11 of paragraph 36).

2.3 A similar crockery basket is also known from document **D2** (crockery basket (14); supply pipe (22,24), spray arm (16), branch pipe (27)).

2.4 The present application therefore does not meet the requirements of PCT Article 33(2) because the subject matter of claim 1 is not novel over the prior art pursuant to PCT Rule 64(1)-(3).

2.5 An amended claim 1, whose subject matter does not include the term "preferably", would meet the requirements of PCT Article 33(1) with respect to the available prior art.
In the two-part formulation (PCT Rule 6.3(b)) of the amended claim 1, it should be noted that document D1 also includes an intensive washing zone that consists of rod-shaped guiding elements (32,32), the guiding elements being provided with outlet nozzles (44) and being fixed to the bars (18) of the basket (16) (cf. lines 20-24 of paragraph 29).

3. Dependent claim 2

3.1 The entire subject matter of this claim is to be regarded as optional owing to the use of the term "preferably". This term should be deleted.

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WRITTEN OPINION OF THE
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International application No.

PCT/EP2005/000123

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

3.2 Since the feature "mug support" is not previously defined in claim 1, the definite article "the" should be replaced with "a" (PCT Art. 6).

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/000123

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. Dependent claims 3, 4, 5

The reference by these claims back to claim 1 is incorrect because no valve (11.1) and no mug support (1.1) are specified in claim 1. The requirements of PCT Rule 6.4 are therefore not met.

2. Description

2.1 Contrary to PCT Rule 5.1(a)(ii), the description does not cite document D1 or indicate the relevant prior art disclosed therein.

2.2 The publication number (DE102004022024.7) on page 1, part 3 does not appear to be correct.

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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/000123

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Information which, despite relating to the subject matter of the invention (e.g. further details relating to the advantages of the invention of the object to be achieved), has no basis in the original documents, can only be mentioned in the letter of reply, it cannot be included in the application (PCT Article 34(2)(b)).